

Military Justice

Office of the Staff Judge Advocate
U.S. Army Aviation Center & Fort
Rucker
255-9708

Enforcing Discipline

- Take No Action
- Nonpunitive Measures
- Nonjudicial Punishment
- Administrative Separations
- Courts-Martial

Nonpunitive Measures

- Counseling
- Letter of Reprimand or Admonition
- Denial of Privileges
- Corrective Training
- Administrative Reduction/Reclassification
- Bar To Reenlistment
- Rehabilitative Transfer

Nonjudicial Punishment

Types of Article 15 Proceedings

- Summarized
- Formal
 - Company Grade
 - Field Grade

Nonjudicial Punishment

Max Punishment for Summarized Art 15

- Extra Duties for 14 Days
- Restriction for 14 days
- Oral Reprimand or Admonition
- Any combination of the above

Nonjudicial Punishment

Max Punishment for Company Grade Art 15

- Reduction
 - E4s & below 1 Grade, May not reduce E5 or E6
- Forfeiture of 7 days pay
- Extra duties for 14 days
- Restriction for 14 days
- Written/Oral Reprimand or Admonition
- All punishments may be suspended up to 180 days

Nonjudicial Punishment

Max Punishment for Field Grade Art 15

- Reduction
 - E4s & below 1 or more grades, E5 & E6 only 1 grade
- Forfeiture of 1/2 of 1 month's pay for 2 months
- Extra Duties for 45 days
- Restriction for 60 days (45 if given w/extra duty)
- Written/Oral Reprimand or Admonition
- All punishments may be suspended up to 180 days

Nonjudicial Punishment

- Soldier commits a criminal act
- CDR determines that criminal act can be proven beyond reasonable doubt
- CDR decides to offer Art. 15 to Soldier
- CDR or 1SG “reads” Art. 15 to Soldier
- Soldier gets 48 hrs to see defense lawyer & decide what to do (Formal only)
- Soldier reports & elects Art. 15 or C-M
- If Soldier elects Art.15 - CDR proceeds with Art.15 hearing

Rights at an Article 15

- Demand trial by C-M
- Remain silent
- Consult with counsel (Formal only)
- Present case, call witnesses
- Be represented (lawyer or not)
- Request an open hearing
- Appeal decision to next CDR

Administrative Separations

- Types of Separations
 - Involuntary
 - Voluntary
- Types of Discharges
 - Honorable
 - General Under Honorable
 - Under Other Than Honorable

Courts-Martial

- Types of Courts-Martial
 - Summary
 - Special/Special-BCD
 - General
- Types of Discharges
 - Bad Conduct Discharge
 - Dishonorable Discharge

Courts-Martial

Summary Courts-Martial

- Convened by the Battalion Commander
- Limited to Enlisted Soldiers
- One commissioned officer presides over trial
- Maximum Punishment
 - E5 and above
 - Restriction for 60 days
 - Forfeiture of 2/3 of one month's pay
 - Reduction one grade (to E1 for E4 and below)
 - E4 and below
 - Confinement for 30 days
 - Hard labor w/out confinement for 45 days

Courts-Martial

Special Courts-Martial

- Convened by Brigade or Group Commander
- Empowered to adjudge Bad Conduct discharge
- Judge alone or jury trial
- Counsel represents the accused
- Max punishment
 - Forfeiture of 2/3's base pay per month for 1 year
 - Confinement for 1 year
 - Reduction to E-1
 - Bad Conduct Discharge

Courts-Martial

General Courts-Martial

- Convened by the Commanding General
- Requires an Art 32 hearing prior to convening the trial
- Judge alone or jury trial
- Max punishment depends on the charges
- May adjudge the death penalty in capital cases